

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Mitchell Garrett Howard,

Defendant.

Case No.: *EDCR 08-41-56L*

ORDER OF DETENTION

I.

- A. ☒ On motion of the Government in a case allegedly involving:
1. ☐ a crime of violence.
 2. ☐ an offense with maximum sentence of life imprisonment or death.
 3. ☒ a narcotics or controlled substance offense with maximum sentence of ten or more years.
 4. ☐ a felony where defendant convicted of two or more prior offenses described above.
- B. ☐ On motion by the Government in a case allegedly involving:
1. ☐ A serious risk defendant will flee.
 2. ☐ A serious risk defendant will:
 - a. ☐ Obstruct or attempt to obstruct justice.
 - b. ☐ Threaten, injure or intimidate a prospective witness or juror, or

attempt to do so.

- C. The Government (☒) is () is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure defendant's appearance as required and the safety of any person or the community.

II.

The Court finds that no condition or combination of conditions will reasonably assure:

- A. ☒ The appearance of defendant as required.
 B. ☒ The safety of any person or the community.

III.

The Court has considered:

- A. The nature and circumstances of the offenses;
 B. The weight of evidence against the defendant;
 C. The history and characteristics of the defendant; and
 D. The nature and seriousness of the danger to any person or the community.

IV.

The Court has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel.

V.

The Court bases the foregoing finding(s) on the following:

- A. ☒ Flight risk: nature of offense, severe advisory USG
range, substance abuse history, FTAs (minor),
travel to Mexico, insufficient bail
resources.
 B. ☒ Danger: nature of offense, substance
abuse history

C. ☒ See also Pretrial Services Report/recommendation.

D. ☐ Defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

VI.

A. The Court finds that a serious risk exists that defendant will:

1. ☐ obstruct or attempt to obstruct justice.
2. ☐ threaten, injure, or intimidate a witness/juror.
3. ☐ attempt to threaten, injure, or intimidate a witness/juror.

B. The Court bases the foregoing finding(s) on the following:

4. ☐ See also Pretrial Services Report/recommendation.

VII.


A. IT IS THEREFORE ORDERED that defendant be detained prior to trial.

B. IT IS FURTHER ORDERED that defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

C. IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private consultation with counsel.

D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined deliver defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: 10/24/08


HONORABLE OSWALD PARADA
United States Magistrate Judge